

HIGHLIGHTS
of the
2000 First Extraordinary
and
Regular Sessions
of the
Louisiana Legislature



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House Legislative Services
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ADMINISTRATION OF CRIMINAL JUSTICE

2000 FIRST EXTRAORDINARY SESSION

CREATION OF NEW CRIMES

HB 41 by Futrell (*Last Action – Act No. 116*)

Creates the crime of "illegal possession of stolen firearms", which is the intentional possession of concealment of a firearm that is the subject of a robbery or theft when the offender knew or should have known that the firearm was the subject of such an offense. Increases penalties for the crime of theft of a firearm.

HB 19 by Scalise (*Last Action – Act No. 13*)

Adds Gamma Butyrolactone, a "date rape drug", as a Schedule II depressant.

GAMING

HB 55 by DeWitt (*Last Action – House Calendar*)

Would have reduced the maximum number of riverboats which may be licensed for gaming activities from 15 to 14.

AGRICULTURE

2000 REGULAR SESSION

SCR 31 by Hines (*Last Action - Enrolled*)

Creates the Tri-Parish Freshwater Advisory Committee to study and make recommendations relative to providing water for agricultural irrigation purposes. Includes the parishes of Avoyelles, Rapides, and St. Landry. Provides that the committee shall report to the House and Senate committees on transportation, highways, and public works prior to the 2001 Regular Session.

HCR 84 by Durand (*Last Action - Enrolled*)

Creates a commission to study and develop recommendations for development of sugarcane and sugar-related products and industries. Provides for 17 members of the commission from various organizations, government entities, and educational institutions. Requires that the commission shall convene for its first organizational meeting with 15 days after adjournment of the 2000 Regular Session and shall submit a report of its findings and recommendations to the House and Senate committees on Agriculture prior to September 15, 2000.

APPROPRIATIONS

2000 FIRST EXTRAORDINARY SESSION

APPROPRIATIONS BILLS

HB 185 by LeBlanc Supplemental Appropriations Act FY99-00 (*Last Action – Act No. 99*)

Appropriates \$13.3 million in supplemental funds from the State General Fund for Fiscal Year 1999-2000, including the following major areas of funding:

State General Funds:

Executive Office - Rural Development -

Erath drinking water project and Delcambre water well project	\$225,000
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Military Affairs - Emergency Preparedness -

State match for federal funds related to storm damage and flooding	627,294
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Repairs to Jackson Barracks, Gillis Long Center	894,750
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Corrections Services -

La. State Penitentiary, for Hepatitis C Drugs	264,550
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Office of Youth Development, for DOJ Educational Settlement	4,004,859
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Operation of Tallulah Correctional Center for Youth	2,980,483
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DHH - Medical Vendor Program, for Nursing Home Services (\$950,000),

Ambulance Services (\$80,000), and Physician Services (\$470,000)	1,500,000
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Misc. State Aid -

St. Landry Airport Authority for hangar improvements	370,000
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St. Mary Parish Police Jury for the Walnut Drainage Canal	299,705
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Supplemental Pay to Local Law Enforcement	1,255,576
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Sabine River Authority - water supply projects at state parks	870,000
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Provides for revision of appropriations contained in prior Acts relative to the St. Landry Parish Airport, the St. Mary Parish Walnut Drainage Canal, the Town of Baldwin, the D.O.T.D. Highway Program, the Office of Elderly Affairs, Wade Correctional Center, and Sheriff's Housing of State Inmates.

Appropriations

SPECIAL FUNDS

HB 214 by DeWitt (*Last Action – Act No. 35*)

SB 37 by Dardenne (*Last Action – House Committee*)

HB 76 by DeWitt (*Last Action – House Committee*)

HB 211 by DeWitt (*Last Action – House Committee*)

Relative to the New Orleans land-based casino's contract for support services with the parish of Orleans, authorizes a credit against the minimum annual compensation due the state under the casino operating contract in an amount equal to payments made by the casino operator to the Compulsive and Problem Gaming Fund and payments made to the parish of Orleans for services such as police and fire protection. The credit does not alter the minimum payment due the state, however the Louisiana Gaming Control Board and the casino operator are authorized to amend the casino operating contract to implement these provisions. The provisions of this Act are void on June 30, 2001.

SB 71 by Schedler (*Last Action – Act No. 143*)

HB 202 by Hebert (*Last Action – House Committee*)

Establishes a permanent trust fund in the state treasury designated as the "Medicaid Trust Fund for the Elderly", which is composed of all money received as a result of the intergovernmental transfer program provided for in the Act and all income on investment of such funds. Monies in the fund shall be invested in the same manner as those in the State General Fund, and all unencumbered and unexpended monies in the fund at the end of the fiscal year remain in the fund.

The fund principal is not subject to appropriation, except for: 1) rebasing of Medicaid nursing home rates, 2) development and funding of a case mix reimbursement system for the Medicaid nursing home program, 3) payment of all costs of local governments for their participation in the intergovernmental transfer program, 4) enhanced payments to any participating local government owned health care facilities or health care programs, and 5) reimbursement of DHH for costs incurred in implementing the intergovernmental transfer program.

Provides that upon completion of the initial intergovernmental transfer, nursing homes will be re-based in accordance with the approved state Medicaid plan. In ensuing years, re-basing in accordance with the approved state Medicaid plan may come from the principal in the trust, but shall be limited to earnings on investment from the fund.

Earnings on investment from the fund may be appropriated each fiscal year exclusively for services of the state Medicaid program in the following order of priority: 1) for a wage enhancement for direct care personnel working in Medicaid certified nursing homes; and 2) for appropriations exclusively for services of the state Medicaid program which draw federal matching funds.

Appropriations

Monies in the fund shall not be used to supplant appropriations from the State General Fund for the Medicaid program below the amount of such financing for Fiscal Year 1999-2000 unless the official forecast of recurring monies available for appropriation which is utilized by the legislature in its adoption of the state budget for the ensuring fiscal year indicates that revenues for such year will be insufficient to fund the state budget at the same level as the previous year.

The Intergovernmental Transfer Subcommittee is created as a subcommittee of the Joint Legislative Committee on the Budget, which committee shall provide for the size, membership, appointment, and the delegated powers and duties of the subcommittee.

The state treasurer is required to report the status of the fund at least quarterly to the secretary of DHH and the Intergovernmental Transfer Subcommittee.

Requires DHH to prepare an application for the implementation of an intergovernmental transfer program no than September 30, 2000. Such application shall be submitted by DHH to the Health Care Financing Administration (HCFA), U. S. Department of Health and Human Services, on a date to be determined by the Joint Legislative Committee on the Budget as recommended by the Intergovernmental Transfer Subcommittee. The Act includes specific requirements for composition of the application for implementation of the plan.

The Act shall be deemed and interpreted to provide to any local government which qualifies to participate in an intergovernmental transfer program all powers and authority necessary to implement and participate in such plan, including any power to enter into short-term indebtedness for purposes of the plan. Further authorizes DHH to adopt such rules as are necessary to 1) implement the wage enhancement plan as established in this Act after approval by the Joint Legislative Committee on the Budget and the House and Senate committees on Health and Welfare, and 2) conduct the intergovernmental transfer program.

BUDGETARY CONTROL AND PERFORMANCE BUDGETING

HB 42 by LeBlanc (*Last Action – Act No. 82*)

Relative to the Louisiana Government Performance and Accountability Act, broadens the conditions under which the Joint Legislative Committee on the Budget may grant or recommend a reward or penalty to state agencies operating under performance-based budgeting. The committee may recommend or grant a reward upon finding that an agency has made substantial progress in implementation and use of performance-based budgeting. The committee may recommend or impose a penalty upon finding that an agency has failed to make satisfactory progress in implementation and use of performance-based budgeting.

Appropriations

HB 179 by Daniel (*Last Action – Senate Committee*)

HB 178 by Daniel (*Last Action – Senate Committee*)

HB 177 by Daniel (*Last Action – House Committee*)

HB 192 by Hopkins (*Last Action – House Committee*)

HB 193 by Hopkins (*Last Action – House Committee*)

HB 160 by DeWitt (*Last Action – House Committee*)

Four constitutional amendments were proposed to provide a mechanism for the governor and the legislature to reduce protected or mandated appropriations in the case of a deficit. Of these, House Bill No. 179 by Representative Daniel, a constitutional amendment, advanced to Senate Committee. The following is an synopsis of that legislation as it passed the House.

In the case of a deficit, would have required the governor to notify the Joint Legislative Committee on the Budget of the deficit situation and would have authorized the governor to reduce appropriations for any program appropriated from a fund in a deficit posture in an amount not to exceed 10% per budget unit. Such budget adjustments would have been limited with respect to the State General Fund to 3% of the appropriation for each budget unit.

Would have further authorized the governor, with legislative approval, to reduce up to 5% of appropriations from the State General Fund and dedicated funds in any fiscal year in which a deficit is projected and reductions of 1% in appropriations from nonmandatory State General Fund appropriations have already occurred.

Relative to development of a new budget, would have authorized the legislature to reduce the monies appropriated or allocated for mandatory expenditures or allocations by up to 5%, making those funds available for other, nonmandatory expenditures in cases where the official revenue forecast for the next year is at least 1% less than for the current year.

These provisions would not have been applicable to, nor affect: the Bond Security and Redemption Fund, the severance tax and royalty allocations to parishes, state retirement contributions, the Louisiana Education Quality Trust Fund (8g), the Minimum Foundation Program, and the Millennium Trust, except for appropriations from the trust.

STATE PROCUREMENT AND CONTRACTS

HB102 by Crowe (*Last Action – Act No. 123*)

HB173 by Crowe (*Last Action – House Committee*)

This Act increased the amounts of preferences for procurements under both Public Bid Law and the Louisiana Procurement Code.

For procurement of certain materials and provisions by the state and local governments under the *Public Bid Law*, all preferences for products produced or manufactured in Louisiana were

Appropriations

increased to 10%, provided that such preferences apply only to bidders whose Louisiana business workforce is comprised of at least 50% Louisiana residents, as follows:

For the following products, the preference is increased from 7% to 10%:

- (a) Produce grown, processed, or frozen in Louisiana
- (b) Eggs laid in Louisiana
- (c) Meat and meat products processed in the state from live animals
- (d) Seafood and seafood products produced from seafood harvested in the state or its waters or harvested by Louisiana commercial fishermen
- (e) Louisiana-grown domesticated catfish
- (f) Paper and paper products manufactured and converted in the state

For materials, supplies, or equipment manufactured, processed, or assembled in Louisiana, but only if the vendor agrees to sell the product at the low bid price, preference is changed from 7% to 10%.

The preference for meat and meat products, catfish, and produce processed in the state is increased from 4% to 10%.

The 10% preference for steel rolled in Louisiana and milk or dairy products processed in state remains the same.

The preference for purchases exceeding \$1,000,000 made by drainage and sewerage districts in New Orleans is increased from 5% to 10%.

For procurement of certain materials and provisions by state government under the *Louisiana Procurement Code*, central purchasing provisions, all preferences for products produced or manufactured in Louisiana were increased to 10%, provided that such preferences apply only to bidders whose Louisiana business workforce is comprised of at least 50% Louisiana residents, as follows:

The preference for the following Louisiana products is increased from 7% to 10%:

- (a) Produce grown, processed, or frozen in Louisiana
- (b) Eggs laid in Louisiana
- (c) Meat and meat products processed in the state from live animals
- (d) Seafood and seafood products produced from seafood harvested in the state or its waters or seafood harvested by Louisiana commercial fishermen
- (e) Louisiana-grown domesticated catfish
- (f) Paper and paper products manufactured and converted in the state
- (g) All other type products which are manufactured, processed, or assembled in Louisiana

Appropriations

The preference for meat and meat products, catfish, eggs, crawfish, and produce processed in the state is increased from 4% to 10%.

The preference for contracts to organize or administer rodeos or livestock shows produced in state-owned facilities is increased from 5% to 10%.

The 10% preference for steel rolled in Louisiana remains unchanged.

State procurement officials may purchase materials, supplies, products, provisions, or equipment which are produced, manufactured, or assembled in Louisiana over similar items bid by an out-of-state low bidder, provided the following conditions are met:

- (1) The cost of the Louisiana items does not exceed the low bid by more than 10%.
- (2) The vendor of the Louisiana items agrees to sell at the low bid price.
- (3) In cases with more than one Louisiana item bidder within 10% of the low bid, the bidder with the lowest Louisiana bid shall be entitled to accept the low price.

HB 114 by DeWitt (*Last Action – Act No. 87*)

Exempts federally supported contracts of higher education institutions and entities from statutory requirements and oversight provisions regarding procurement of professional, personal, consulting, and social services contracts by state agencies.

SB 36 by Hainkel (*Last Action – Act No. 49*)

Exempts from the three year limit on professional, personal, consulting, and social services contracts by state agencies, those contracts or amendments to existing contracts for research, educational, or infrastructure development activities which are issued to higher education institutions under the authority of grants or joint agreements between the Board of Regents and federal agencies. Such contracts may be entered into for the performance period of the grant or agreement.

STATE GROUP INSURANCE

SB 2 by Schedler (*Last Action – Act No. 41*)

HB 143 by McMains (*Last Action – Act No 128.*)

HB 152 by McMains (*Last Action – Senate Calendar*)

HB 146 by McMains (*Last Action – House Calendar*)

Eliminates two-year limitation on Board of Trustees of the State Employees Group Benefits Program contracts for life insurance and health and accident insurance.

Clarifies which program participants will be included within each risk classification group for the purposes of determining rates and premiums for participants in the State Employees

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Group Benefits Program. The risk groups are as follows: one classification for state departments, agencies, boards, and commissions; one for school boards; one for political subdivisions; and one or more classifications for retirees. Rates and premiums adopted for each classification take into consideration loss experience and other relevant factors.

Expands the policy of mandatory risk rating based on prior loss experience, which was previously applicable only for school boards, to apply to any public entities which come into the state program from another health program.

Repeals provisions relating to premium rates based on claims experience for certain plan participants who were employed by entities in which more than 50% of the employees elected to participate in an HMO.

2000 REGULAR SESSION

APPROPRIATIONS BILLS

HB 1 by LeBlanc - General Appropriation Act *(Last Action – Proposed Senate Amendments Rejected - Conference Committee Appointed)*

GENERAL FINANCING

As the bill left the House, appropriations in the base budget were in balance with projected revenues for the coming fiscal year. The base State General Fund budget included some \$333 million in appropriations for health care and education supported by sales and use tax exemption suspensions continued in the First Special Session and recognized by the Revenue Estimating Conference on May 11, 2000. Also, the budget, as it left the House, included \$347.3 million in 'Governor's Supplemental Budget Recommendations' which were contingent upon the enactment of additional unspecified revenues. The proposed Senate amendments reduced spending contingent upon new revenues by approximately \$127.1 million creating a new supplemental section with \$246.9 million in appropriations to be supported by additional revenues. As structured by the Senate, 50% of funding for supplemental pay and \$27.2 million in funding of the Discretionary Pharmacy Program (for those over 22 who are not in institutions) was contingent on HB 246, the Alcoholic Beverage Tax, which did not pass. Revenue measures passed in the Regular Session which provide additional State General Fund revenues total about \$210 million (based on LFO estimates after the close of the Session).

Appropriations

STATEWIDE REDUCTIONS

The governor proposed amendments, which were adopted by the committee, to reduce some 4,300 positions throughout all state departments to effect a savings of \$75.5 million. Preamble language authorizes limited authority to the commissioner of administration to transfer up to 15% of the remaining positions and the associated funding within departments to address service demands. Also authorizes transfers of funding and personnel above 15% for such purposes with approval of the commissioner and the Joint Legislative Committee on the Budget. All authority to transfer is limited to the personnel authorizations contained in the Executive Budget recommendation.

The Senate proposed an additional across-the-board State General Fund reduction in agency budgets in order to effect a savings of \$73.1 million. Major agencies exempted include: Public Works and Intermodal Transportation budget in DOTD; all of the adult and juvenile penal institution budgets, probation and parole, and community-based programs in Corrections Services; the Medical Vendor Program, all of the Developmental Centers in DHH; and the Minimum Foundation Program in Education, among others.

GENERAL GOVERNMENT

As the bill left the House, significant funding changes in the base portion of the Executive Department included the addition of \$389,538 for the Displaced Homemakers Program and \$300,000 for the Family Violence Program.

Funding for the Office of Film and Video (\$665,923) was moved to the body of the bill. The House also provided partial restoration of funding to the Agriculture department in the base budget in the amount of \$2,073,677 and some \$713,000 for the Office of Conservation in DNR. The House restored full funding for Supplemental Pay to police, firemen, and deputy sheriffs in the base budget. The Senate proposed moving 50% of Supplemental Pay funding out of the base budget and into the supplemental section.

Major Senate action to general government agencies included the total elimination of supplemental funding for the La. Law Enforcement Commission's state programs (\$1.7 million) and funding for DARE (\$3.9 million). Also affecting the supplemental portion of the budget, the Senate proposed eliminating all funding for the Sugar Bowl Alliance (\$1 million), the Independence Bowl (\$250,000), and the Superbowl Host Committee (\$500,000). The Senate proposed totally eliminating funding for Tobacco Assistance to Municipalities (\$10.8 million), and eliminated 50% of the funding for the New Orleans Center for the Creative Arts.

In the body of the bill, the Senate proposed adding funding for: museums in the Secretary of State's Office (\$1.2 million); monies for various legal and administrative support in the Attorney General (\$2.1 million); and funding for the Commodities and Food Storage Program (\$1 million), and the Animal Health and Consumer Services (\$7.9 million) in Agriculture & Forestry.

EDUCATION

The FY 00-01 Tuition Opportunity Program for Students (TOPS) budget is projected at \$86 million, a \$19 million increase compared with projected expenditures of \$67 million for FY 99-00. Approximately 37,000 awards are expected to be made in FY 00-01 compared with 29,000 awards anticipated for FY 99-00. The Senate across-the-board-reduction did not exempt TOPS.

The House increased School and District Accountability Program funding by approximately \$13.8 million. Included were \$7 million for Summer School and High Stakes Remediation, \$3 million for School Improvement Awards, \$2 million for Early Intervention Programs and \$1.8 million for 4th and 8th Grade Remedial Alternative School Programs. The Senate reduced the Summer School/High Stakes Remediation to \$5.3 million due to a smaller number of units failing the LEAP tests.

The House provided an additional \$26.1 million in supplemental funding for the MFP to fully fund the MFP adopted by the legislature in 1999 which was expected to cost approximately \$2.244 billion. The Senate added \$896,861 to the body of HB 1 and deleted the Supplemental amount of \$26 million to fund this new formula. Subsequent to House action BESE agreed to revise the MFP which reduced the FY 00-01 cost by approximately \$25 million. (see also summary of **SCR 58 by Theunissen** under Education section)

The K-3 Reading and Math Initiative had \$14 million State General Fund and \$9 million Federal Funds in the body of HB 1. FY 99-00 funding contained \$19.6 million State General Fund and \$5 million Federal Funds. The Senate deleted \$4.8 million in State General Fund in the Supplemental Section.

Nonpublic Educational Assistance funding was approximately \$28 million prior to Senate action authorizing an across-the-board-reduction and transfer of funds between State Activities, Subgrantee Assistance and Nonpublic Educational Assistance as determined by the State Superintendent. The FY 99-00 Nonpublic Educational Assistance funding is approximately \$28 million.

In higher education, major funding changes include:

In the base budget a substitution of State General Fund for Tobacco Settlement Revenues for Gene Therapy (\$2.5 million) and LSUHCS Cancer Center (\$5 million).

In the Community College System, \$1 million was moved to the base to fund the Emerging Community College Pool.

Funding for the LSUHCS Clinical Science Building was moved to the base budget portion of the bill (\$2.4 million).

Appropriations

In the Board of Regents, a funding enhancement of \$11.9 million for higher education institutions was placed in the supplemental section with another \$4.3 million in the body. Under the Senate proposal the supplemental funding was reduced for higher education enhancements by \$4.3 million, leaving a total of \$11.9 million in additional funding.

HEALTH AND WELFARE

Relative to the Medical Vendor Program, the House placed \$3 million in the base budget for costs and utilization, \$28 million in supplemental funding was provided for these same items, and \$17.2 million in funding for Care Coalition priorities was funded in the supplemental portion. Another supplemental section provided \$22.4 million for additional Care Coalition and Medicaid funding needs. Developmental Centers had \$1.7 million in funding restored to the base budget. Additional funding was placed in the supplemental section for state hospitals (\$4.9 million).

The Senate proposed restoring a variety of funding to the base portion of the budget for the Medical Vendor Program, including: Discretionary Pharmacy Program (\$32.5 million), Medically Needy (\$10.3 million), Medical Utilization (\$31 million), Restoration of gubernatorial cuts for charity hospitals (\$6.5 million), UCC payments (\$9.7 million), and Acute Psyche Care (\$2 million). However, a number of Medical Vendor Programs were also totally eliminated, including: TEFRA Option (\$5.3 million), Care Coalition Package(\$17. 2 million), and additional Medicaid Funding, partially funding Care Coalition initiatives (\$22.4 million).

In the House, a portion of the DSS Vocational Rehabilitation Program monies were moved from the supplemental part of the budget to the base budget (\$9.8 million). In the Senate, some \$3 million still remaining in the supplemental section of the bill was totally eliminated which would result in a loss of \$14 million in Federal Funds.

HB 244 by LeBlanc - Judicial Expense Act *(Last Action – Returned to House with Proposed Senate Amendments)*

Provides for the expenses of the judicial branch of government as follows:

(1)	Louisiana Supreme Court	\$25,781,631
(2)	Courts of Appeal	25,824,556
(3)	District Courts	20,008,383
(4)	Criminal Court, Parish of Orleans	3,616,044
(5)	Juvenile and Family Courts	1,560,960
(6)	Other Courts (Required by Statute)	1,824,897
(7)	Other Courts (Not Required by Statute)	<u>322,393</u>
	TOTAL	<u>\$78,938,864</u>

Appropriations

Of the \$78,938,864 in funding to the Judiciary, \$73,427,419 is from the State General Fund, \$4,000,000 is from the Judges' Supplemental Compensation Fund, \$1,501,445 is from the Trial Court Case Management Fund, and \$10,000 is from the Patient's Compensation Fund.

Effective July 1, 2000.

CIVIL LAW AND PROCEDURE

2000 FIRST EXTRAORDINARY SESSION

DUTY JUDGES

HB 84 by McMains and Murray (*Last Action – Act No. 24*)

Authorizes a duty judge to hear and sign orders or judgments for certain emergency and routine matters. Enumerates the specific matters that the duty judge is authorized to hear and authorizes the duty judge to sign orders for specific matters. Provides that a duty judge may sign any order specifically and expressly authorized by the judge to whom the case is assigned. Provides that when the duty judge hears these specific matters, he shall not acquire jurisdiction over additional matters in the case. Further provides that after the duty judge rules on a matter in the case, the judge assigned by random assignment shall hear the other matters in the case, including but not limited to discovery matters, preliminary injunctions, and injunctions. Effective June 6, 2000.

INTERDICTION AND CURATORSHIP

HB 94 by McMains and Ansardi (*Last Action – Act No. 25*)

Revises the Civil Code and Code of Civil Procedure Articles on the subject of interdiction and curatorship. Provides for full interdiction, limited interdiction, temporary interdiction, and preliminary interdiction. Provides for the procedures for the interdiction process, the effects of the interdiction, the modification of interdiction, and the termination of interdiction. Provides for the rights of the defendant in an interdiction proceeding and for the rights of the interdict. Provides for the duties, powers, and liabilities of a curator and an undercurator. Effective July 1, 2001.

COMMERCE

2000 FIRST EXTRAORDINARY SESSION

CHECK-CASHING

HB 111 by Travis et al. (*Last Action – Act No. 31*)

Revises provisions of the Louisiana Check-Cashing Law. Provides an additional exception to the definition of check-casher by excepting an individual, partnership, unincorporated association, or corporation that cashes a check, draft, money order or traveler's check, or other commercial paper if the fee charged does not exceed two dollars and the currency exchange is incidental to the person's primary business. Revises the definition of "currency exchange." Removes the requirement that an applicant must have a net worth of \$100,000 to qualify for a license. Removes the requirement of a valid driver's license or state-issued ID for cashing government welfare or public assistance checks, and limits the amount which may be charged for cashing government welfare or public assistance checks to 2% of the total amount of the check, regardless of age.

ECONOMIC DEVELOPMENT

SB 88 by Dardenne et al. (*Last Action - Act No. 144*)

Eliminates the Department of Economic Development and replaces it with a private corporation to be known as Louisiana, Inc. Provides that the duties of the department will be distributed among other state agencies and Louisiana, Inc. Provides that the corporation will serve as the principal economic development organization in the state and will take the lead in implementing *Vision 2020*, the statewide plan for long-term economic development. Further provides that Louisiana, Inc. will be governed by a 16-member board of directors consisting of 6 ex officio members and ten members appointed by the governor.

Becomes effective if the constitutional amendment which originated as Senate Bill 74 is approved by the voters on November 7, 2000. Provides that if the constitutional amendment is approved, the board of directors may be created, the board may conduct meetings, and it may employ and pay a CEO and other employees approximately 30 days after the approval. Further provides that the department will cease to exist and the corporation will begin performing its functions on March 1, 2001.

Commerce

FIRE MARSHAL

HB 134 by DeWitt et al. *(Last Action - Act No. 92)*

Requires all manufactured home dealers and developers who offer new manufactured homes for sale to be licensed. Adds additional requirements for licensure. Provides for penalties for anyone who interferes with the state fire marshal while he is performing his duties.

Requires only manufactured and mobile homes built after 1976 to meet certain installation standards. Provides for changes to installation specifications for used manufactured and mobile homes.

Provides that any installer, transporter, or other person who performs any service without an appropriate license or who installs or transports a manufactured or mobile home contrary to the installation manual or contrary to the provisions of the law is in violation of the law. Provides for additional penalties for violations. Allows the fire marshal to adopt rules to carry out the provisions of the law.

MORTGAGE BROKERS

HB 183 by McMains and Travis *(Last Action – Act No. 34)*

Revises the Residential Mortgage Lending Act. Revises the definitions of mortgage broker, originator, and residential mortgage loan, and adds the definitions of federally related mortgage loan and primary business. Exempts certain persons and entities from licensure. Provides for registration of certain persons and entities. Changes the registration renewal application deadline and the date for annual license renewal from January 1 to December 31. Provides for effective dates of renewal applications. Changes the date for the requirement of continuing education for the renewal or reinstatement of a license from July 1, 2001 to July 1, 2000. Makes other revisions throughout the Residential Mortgage Lending Act.

RACING

HB 85 by Representative DeWitt et al. *(Last Action - Act No. 148)*

Requires the Louisiana State Racing Commission to adopt rules regulating account wagering to be conducted by a racing facility located in any municipality having a population in excess of 400,000 persons as of the 1990 census. Defines account wagering as a form of pari-mutuel wagering in which an individual may deposit money in an account and use the balance to pay for wagers made in person, by telephone, or by other electronic means.

HB 95 by Montgomery and Murray *(Last Action - Act No. 149)*

Allows the state to enter into the Interstate Compact on Licensure of Participants in Live Horse Racing with Pari-mutuel Wagering. Provides that a compact committee will be created in order to provide for the issuance of interstate licenses and requirements for such licenses. Allows the committee to gather criminal history record information on such applicants to determine whether a license should be issued to such applicant. Provides that the compact committee will be composed of one representative from each state that has entered into the compact. Requires the governor to appoint the official representing Louisiana for a four-year term.

EDUCATION

2000 FIRST EXTRAORDINARY SESSION

TOPS

HB 159 by Triche (*Last action - Act No. 133*)

Provides eligibility for certain otherwise qualified students who graduated from high school during the 1998-1999 school year and who obtained a qualifying ACT/SAT score after graduating but prior to July 1, 1999.

HB 224 by Crane (*Last action - Act No. 105*)

Increases award amounts for certain students who qualified for Performance or Honors awards, who chose instead to receive Opportunity Awards, and who, once enrolled in an eligible college or university, met and continue to meet all requirements necessary to maintain state payments for the award for which originally qualified.

SB 27 by Theunissen, et al. (*Last action - Act No. 110*)(*Duplicate of HB 49 by Rep. Crane*)

Relative to program eligibility for a student graduating from a La. nonpublic high school, retains requirement that, beginning with 1999-2000 graduates, the nonpublic high school must not only be approved by BESE from the standpoint of the school's curriculum but also must meet BESE standards "for the students in such schools to be eligible to receive from the state the benefit of appropriations for such items as transportation, textbooks, and administrative cost "reimbursement". Currently, these standards involve having a nondiscrimination policy concerning faculty and the recruitment and retention of students that complies with a longstanding federal court order made applicable to BESE in a case known as *Brumfield v. Dodd*.

Provides, however, that certain nonpublic schools have until the 2003-2004 school year to meet the *Brumfield v. Dodd* standards. This extension in time to meet the standards applies to a nonpublic school that, by not later than May 15, 2000, is approved by BESE from the standpoint of curriculum and has submitted all the necessary paperwork and documentation needed to seek *Brumfield v. Dodd* approval.

SB 91 by Theunissen, et al. (*Last action - Act No. 69*)(*Duplicate of HB 117 by Rep. Crane*)

Provides, subject to a reduced time period of award eligibility, for consideration of certain applications and test scores received by the La. Student Financial Assistance Commission after specified deadlines.

SB 97 by Theunissen *(Last action - Act No. 73)(Duplicate of HB 140 by Rep. Crane)*

Permits recipients of Opportunity, Performance, and Honors awards to pursue (at eligible public and nonpublic colleges and universities in the state) skill or occupational training, including a vocational or technical education certificate or diploma program or a nonacademic undergraduate degree.

TUITION/FEES

HB 186 by Crane *(Last action - Act No. 100)*

Authorizes the LSU Board of Supervisors to assess an academic excellence fee at LSU-Baton Rouge. States that the fee shall be in addition to any other tuition or attendance fees and charges established by the board.

Provides that the fee amount shall not exceed \$125 per semester for full-time students and shall be prorated for part-time students. Specifies that the fee shall not be a cost that is payable by the state on behalf of any student who is a recipient of a TOPS award.

Requires that the fee shall be paid by all students except:

- (1) Students who are recipients of federal Pell Grants.
- (2) Students who initially enrolled at the institution prior to the 2000-2001 academic year and who are continuing recipients of TOPS awards.

Provides that fee proceeds shall be used to promote academic excellence at the institution by enhancing instructional programs.

HB 124 by DeWitt and Senator Hainkel *(Last action - Conference Committee Report Rejected / Senate)*

Relative to nonresident students, would have permitted each public postsecondary education management board to establish tuition and mandatory attendance fee amounts that at least equal the average annual amount of such charges for the ensuing fiscal year in SREB states, excluding Louisiana.

Relative to resident students, would have permitted each board to increase tuition amounts in effect on April 1, 2000, by not more than \$250. Also would have required each management board to establish criteria for waivers of any tuition increase or mandatory attendance fee established pursuant to present or proposed law in cases of financial hardship.

Education

Relative to both resident and nonresident students, would have specified that any increase in tuition amounts shall not become effective until the second semester following the semester in which such increase is adopted. Also would have provided that no increase in tuition or mandatory attendance fee amounts established pursuant to proposed law would affect tuition for any joint apprenticeship program.

Would have required that any increase in salary for any administrator of any public college or university, any public college or university management board, or the Board of Regents comply with the administrative salary policy guidelines adopted by the Board of Regents on March 22, 2000.

LSU AT ALEXANDRIA

HB 120 by DeWitt, et al. *(Last action - House Calendar)*

Would have established Louisiana State University at Alexandria as an institution that offers baccalaureate degrees. Specified that the conversion was subject to the appropriation of funds necessary to accomplish the purpose.

Also would have created the University Center for Rapides Parish and the Board of Governors for the University Center for Rapides Parish as a state agency under the jurisdiction of the Board of Regents. Provided that the center was to deliver a selection of educational programs and support services designed to meet the specific needs of the service area. Provided for the powers, duties, and responsibilities of the Board of Regents and the board of governors relative to the center. Provided for implementation of university center provisions by the Board of Regents and specified that the university center was to be the successor of the existing university center. Required the Board of Regents to provide for the transition to the new university center.

TESTING / PUBLIC RECORDS

SB 33 by Theunissen *(Last Action - Act No. 48)(Duplicate of HB 48 by Rep. Crane)*

Exempts from the laws relative to public records any testing instrument used or to be used by the state Dept. of Education or BESE to assess the performance of individual students, any answers for such tests, and any individual student scores on such tests. It does not prohibit any person authorized by policies adopted by the state Dept. of Education or BESE from having access to the test instrument, test answers, or any individual student scores as necessary for the performance of his duties and responsibilities, nor any parent or guardian from having access to or being provided his child's individual test scores.

PERSONNEL EVALUATION

SB 23 by Theunissen (*Last action - Act No. 38*)(*Duplicate of HB 138 by Rep. Crane*)

Relative to local school personnel evaluation programs, removes the requirement that the state Dept. of Education monitor all such programs and provides instead that BESE may request the department to monitor such programs when necessary. Authorizes instead of requires BESE to establish state review teams to review local evaluation plans for compliance with law and regulation. Removes the requirement that local school boards submit evaluation plans and registers of evaluators to the department and provides instead that the department may request a local board to submit such information.

TEACHERS / RETIREMENT

See summary of **HB 27 by Daniels** under Retirement section.

2000 REGULAR SESSION

MINIMUM FOUNDATION PROGRAM (MFP)

SCR No. 58 by Theunissen (*Last Action-Enrolled*)

Approves the formula developed by BESE and adopted by the board on June 3, 2000, to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to local school systems. Implementation of the MFP formula for FY 2000-2001 is estimated to require \$2.244 billion in state funding, an increase of \$26 million (1.2%) over the amount due school systems for the current fiscal year.

Compared to the approved formula for FY 1999-2000, SCR No. 58:

- Establishes a base level per pupil amount of \$3,103, an increase of 2.75% over the per pupil amount for FY 1999-2000. Retains language providing for a continuing 2.75% annual growth adjustment if the approved formula is continued beyond FY 2000-2001 and there is no agreement between BESE and the Joint Legislative Committee on the Budget on increasing the per pupil amount.
- Retains funding adjustment "weighting" calculations for the following categories: at-risk students; special education students (including gifted and talented students), vocational education course units, and economies of scale.

Education

- Retains provisions permitting certain school systems to be "over funded" or "held harmless" in terms of a system receiving state funding in an amount greater than otherwise due the system by applying formula calculations.
- Relative to mandated spending for instructional purposes, retains requirement that local school boards must ensure that 70% of the local school system general fund expenditures are in instructional areas. Specifies that BESE's definition of instruction must include:
 - (1) Activities dealing directly with the interaction between teachers and students, including such items as salaries, employee benefits, purchased professional and technical services, instructional materials and supplies, and instructional equipment. (Regarding instructional materials and supplies, removes language of prior formula that required a minimum of \$27.02 per student be included for this activity.)
 - (2) Pupil support activities designed to assess and improve the well-being of students and to supplement the teaching process.
 - (3) Instructional staff activities associated with assisting the instructional staff with the content and process of providing learning experiences for students.
- Deletes prior formula language providing that attainment of the 70% instructional spending requirement by a school system is to be a determination by the state Department of Education as part of the annual audit and evaluation of the formula. (The department plans to continue to develop the information, however.)
- Continues to include special funding provisions for the k-12 laboratory schools operated by Louisiana State University-Baton Rouge and Southern University-Baton Rouge and to provide for determining funding amounts in a manner different than otherwise provided by law for these laboratory schools.
- Generally continues other basic formula provisions and components.

(Note: SCR No. 58 provides for a one-time only reduction of \$22.9 million in the FY 2000-2001 total state share of MFP funds. The reduction is contingent on school systems receiving a reduction in the employer's contribution rate to the Teacher's Retirement System of Louisiana from 15.2% to 14.2% and funds being made available from continued application in FY 2000-2001 of a 1999 legislatively authorized credit applied to employer contribution payments to the Employer Credit Account of the Louisiana School Employees' Retirement System. The amount of the one-time reduction also reflects additional state funds for increases in the employer cost for group health insurance.)

HCR No. 73 by M. Jackson *(Last Action-Enrolled)*

Requests BESE to study and make recommendations for including in the MFP formula a funding component to provide educational services in public schools at the prekindergarten level for at-risk students who are at least four years of age.

Provides for a written report on study findings and recommendations to the House committees on education and appropriations, the Senate committees on education and finance, and the School Finance Commission created by the governor pursuant to Executive Order No. MJF 99-41. Specifies that the report shall include one or more simulations showing how the recommended formula funding to serve at-risk four-year-olds would be equitably distributed to local school systems.

Further provides that the report shall be made in a timely fashion permitting review and comment by interested parties prior to formal consideration and adoption by BESE of the MFP formula for the 2001-2002 school year.

EDUCATION FUNDING

See summary of **HB 295 by Stelly** under Ways and Means section.

STUDENTS/TUITION

See summary of **SB 81 by Thomas** under Ways and Means section

ENVIRONMENT

2000 FIRST EXTRAORDINARY SESSION

HB 139 by Triche (*Last Action – Act 93*)

Changes the requirements for bonds or other financial instrument needed to obtain or maintain permits to operate privately owned sewerage treatment facilities regulated by the Public Service Commission. The bond or other financial instrument is conditioned upon substantial compliance with the Louisiana Water Control Law. The Secretary of DEQ may waive or reduce the financial security requirement if the facility has been in compliance with the Louisiana Water Control Law for 7 years and the permittee provides DEQ with a letter of good standing and no objection from the PSC.

The Secretary may also issue a permit waiving the financial requirements if the permittee has made a good faith effort to acquire the financial security, the permit is necessary to ensure uninterrupted sewerage treatment or necessary to protect human health or the environment, and the permittee provides the secretary with a letter of good standing and of no objection from the PSC.

HB 208 by Montgomery (*Last Action - Senate Committee*)

If passed, this bill as amended in committee would have increased the fee on the sale of new tires from two dollars to two dollars and five cents. The fee went to the Waste Tire Management Fund for the clean up of waste tire sites and processing of waste tires. The bill also specified that 75% of the money collected would be used to pay processors for collecting, transporting and processing used tires. The remaining 25% would be allocated to DEQ for the management of the Waste Tire Management Fund, marketing and research, and cleanup of waste tire piles.

HCR 29 by Holden (*Last Action - Enrolled*)

This resolution urges and requests DEQ to deny an operating permit to Louisiana Land Systems, Inc. for the operation of an industrial waste facility near Alsen, East Baton Rouge Parish.

HEALTH AND WELFARE

2000 FIRST EXTRAORDINARY SESSION

FEES, FINES, AND CIVIL PENALTIES

(see also: HB 53 by R.. Alexander and HB 137 under MEDICAID)

HB 130 by R. Alexander (*Last Action – Act No. 125*)

Increases fees charged for various services in the Dept. of Health and Hospitals, office of public health. Fees were increased pertaining to sewerage, safe drinking water, parish health units, food, drug, and cosmetics regulation, soft drink bottling, water vending machines, and infectious waste.

HB 58 by Durand (*Last Action – House Committee*)

HB 59 by Durand (*Last Action – House Calendar*)

HB 78 by Durand (*Last Action – House Committee*)

These bills would have increased fee collections of the Department of Social Services for licensing functions. House Bill No. 58 would have eliminated a fee exemption for nonprofit adult day care centers; House Bill No. 59 would have increased the annual licensing fee for adult residential care homes; and House Bill No. 78 would have removed the fee exemption for Class B day care facilities owned by churches and would have increased certain day care licensing fees.

HB 79 by McMains (*Last Action – House Committee*)

Would have authorized the state health officer to assess and recover various costs incurred by the state health officer and the Dept. of Health and Hospitals, office of public health, in the evaluation or investigation of a public health hazard from parties responsible for the health hazard.

HB 80 by Murray (*Last Action – Act No. 119*)

Authorizes money in the Traumatic Head and Spinal Cord Injury Trust Fund to be used toward administrative costs. Also, increases fines paid for DUI's which go into the fund from \$25 per offense to \$50 for the second offense, \$100 for the third offense, and \$250 for each offense beyond the third offense.

HB 200 by R. Alexander (*Last Action – Act No. 138*)

Authorizes the La. State Board of Medical Examiners to charge and collect a \$25 fee per license for identification, monitoring, assistance, and procurement of treatment of physicians suffering from substance abuse, chemical dependency, psychiatric conditions, or physical deficiencies which may interfere with his ability to practice medicine. Additionally authorizes a \$7 fee to cover costs of the board associated with continuing medical education requirements.

FOSTER CARE

HB 62 by Strain (*Last Action – Act No. 22*)

Provides that a relative participating in the Kinship Foster Care Program may be eligible for foster care reimbursement beyond the three year limit under certain specified circumstances. Expands the class of relatives who are ineligible to participate in the program to include those who have been granted legal custody of the child. Requires the kinship foster parent to assist the office of community services of the Department of Social Services to achieve a safe permanent home for the child.

MEDICAID/PROVIDER FEES

HB 53 by R. Alexander (*Last Action – House Calendar*)

Would have authorized the state Medicaid program to increase the fees it charges for health care services provided to the Medicaid program on pharmacies from ten cents to twenty-five cents per outpatient prescription, outpatient out-of-state prescription, and outpatient prescription dispensed by dispensing physicians.

HB 133 by R. Alexander (*Last Action – House Committee*)

Would have authorized the Department of Health and Hospitals to implement sliding scale co-payments, a prior or retroactive approval process, and any other process which reduces costs in the state Medicaid Drug Program. Would have provided for certain services to be exempted from the co-payment requirement, and would have adjusted reimbursements to providers to reflect any co-payments received from recipients.

HB 137 by R. Alexander (*Last Action – House Committee*)

Would have required Medicaid providers to charge co-payments and coinsurance amounts of Medicaid recipients for certain specified medical services. Also, would have established a sliding scale and a schedule of maximum co-payments. Would have adjusted reimbursements to providers to reflect any co-payments received from recipients.

Health and Welfare

SB 3 by Hines (*Last Action – Act No. 42*)

Extends the existence of the adult residential assisted living pilot project administered by the Department of Health and Hospitals from a period of up to four years to a period of up to eight years.

NEWBORNS

HB 223 by Glover (*Last Action – Act No. 109*)

Provides for a time, place and manner in which a person may relinquish a newborn to the state without threat of prosecution. Allows for a right of revocation of the relinquishment by the parent within thirty days or, in the case of a father with no prior knowledge of the relinquishment, within one year. Requires the state Department of Social Services to review the effect of the new law and report to certain committees of the legislature by March 1, 2001 with findings and recommendations.

PRESCRIPTION DRUGS

HB 66 by Johns (*Last Action – Act No. 83*)

Repeals law which provided that all federal legend and controlled drugs administered to patients inside a hospital had to be procured, delivered, dispensed and distributed under the direction of the pharmacist-in-charge of the hospital.

HB 222 by R. Alexander (*Last Action – House Committee*)

Would have allowed a pharmacist to select an equivalent generic drug product for the brand name drug on a prescription in cases in which a physician did not indicate that the name brand drug was medically necessary, there would be a cost savings, and the drug met FDA equivalency requirements.

Also, would have established a prior authorization program in the state Medicaid program under which a physician or other prescriber would be required to seek approval from the state Medicaid program before prescribing certain specified drugs for Medicaid recipients. Would have required the Medicaid program to approve or deny such a request within twenty-four hours of receipt.

PUBLIC HEALTH

HB 153 by Clarkson (*Last Action – Act No. 131*)

Requires the Women's Health Program of the office of public health in the Department of Health and Hospitals to operate a statewide Breast Cancer Control Program focused on detection, prevention and treatment of breast cancer. Provides for a breast cancer control agent in each region of the department to launch programs to increase mammographies and educate the public regarding benefits of early detection and treatment of breast cancer.

HOUSE AND GOVERNMENTAL AFFAIRS

2000 FIRST EXTRAORDINARY SESSION

PUBLIC RECORDS

SB 33 by Theunissen (*Last Action - Act No. 48*) (*Duplicate of HB 48 by Rep. Crane*)

Creates an exception to the public records law for testing instruments used by the State Department of Education or the State Board of Elementary and Secondary Education (BESE) to assess the performance of individual students, as well as test answers and individual student scores. Does allow the State Department of Education or BESE to adopt policies to authorize persons to have access to the test instruments, answers, and individual student test scores as necessary to perform their duties and responsibilities. Does not prohibit any parent or guardian from having access to their child's individual test score.

The focus of the debate centered around the LEAP 2000 tests for fourth and eighth grade students, over which there was recent litigation in which the 19th Judicial District Court denied access to the testing instrument, prior to testing, to parents of a public school student.

ELECTED OFFICIALS

HB 30 by Montgomery (*Last Action - Act No. 16*)

Amends statutes relative to the Compensation Review Commission to provide that the expenses incurred in the conduct of the commission's business and the expenses incurred by the members of the commission are to be paid from the funds appropriated for the operation of the legislature.

Expands the scope of the commission's review beyond merely the salaries paid to legislators, to include expenses, reimbursements, other forms of compensation, and benefits. Reschedules reports to the legislature 60 days prior to a regular legislative session from even-numbered years to odd-numbered years. Also, continues provision for approval of salary recommendations by concurrent resolution, but provides that such salary changes shall take effect on the day recommended in the commission report and requires that the resolution specify such date. Also provides that other commission recommendations be implemented as provided by such change in law, resolution, rule, or policy as is necessary.

House and Governmental Affairs

REAPPORTIONMENT

HB 184 by Bruneau (*Last Action - Failed to Pass / House*)

SB 85 by Ullo (*Last Action - House Committee on Ways & Means*)

Would have required the use of the population data from the actual enumeration of the federal decennial census for purposes of districting, redistricting, reapportionment, and remapping the state or any political subdivision thereof which requires districts or divisions for election purposes.

The U.S. Census Bureau plans to promulgate two sets of population data after the 2000 federal decennial census, actual enumeration (headcount) data and data adjusted on the basis of statistical sampling. The U.S. Supreme Court has affirmed that the use of actual enumeration data is mandated for Congressional reapportionment purposes.

2000 REGULAR SESSION

CIVIL SERVICE

HCR 39 by Schneider (*Last Action - Enrolled*)

Requests appointing authorities in the executive branch of state government to take no action to provide for the permanent appointment of any probationary employee in a position funded directly or indirectly by the State General Fund. Requests that each appointing authority take the necessary action to separate from service any person on job assignment no later than the conclusion of his current job assignment. Requests executive branch departments and agencies to submit a report no later than June 6, 2000 setting forth:

- C** Number of probationary employees subject to the provisions of the resolution, as of certain enumerated dates.
- C** Number of probationary employees moved to permanent status as of certain enumerated dates.
- C** Number of persons on job assignment as of certain enumerated dates.
- C** Number of persons on job assignment separated from service as of certain enumerated dates.
- C** Further specified information about probationary employees moved to permanent status since May 11, 2000.

Requests that an appointing authority move a probationary employee to permanent status only if the employee has been on probationary status for no less than nine months and with the approval of the Commissioner of Administration and the Joint Committee on the Budget.

JUDICIARY

2000 FIRST EXTRAORDINARY SESSION

ALCOHOLIC BEVERAGES

HB 199 by Toomy (*Last Action – House Committee*)

Would have provided for the direct shipment of sparkling wine or still wine to a consumer in Louisiana. The bill would have specifically authorized a common carrier to lawfully transport and deliver sparkling wine and still wine directly to a consumer domiciled in Louisiana by a manufacturer or retailer domiciled outside of the state holding an out-of-state shipper's license issued by the commissioner and delivered to a person at the consumer's domicile who is 21 years of age or older.

Would have deleted one of the requirements necessary in the present law for a manufacturer or retailer to sell and ship sparkling wine or still wine directly to a consumer in Louisiana by requiring that the seller or shipper who is a manufacturer is not a party to any agreement in which a wholesaler licensed by the state of Louisiana has been granted the right to purchase and to sell any sparkling wine or still wine produced by the manufacturer.

CRIME VICTIMS

HB 2 by Clarkson (*Last Action – Act No. 3*)

Prohibits public officials, officers, and public agencies from publicly disclosing the name, address, or identity of victims of sexual offenses. No penalty is provided for violating the prohibition. Permits the victim of a sexual offense to waive the identity confidentiality. Provides that these provisions shall not apply to the requirement of promptly informing a defendant or his attorney of the name of the victim of a sexual crime during pretrial discovery.

INDIGENT DEFENSE

HB 73 by DeWitt (*Last Action – House Committee*)

HB 225 by Martiny (*Last Action – House Committee*)

Would have imposed a court cost of \$35 for each conviction of a criminal offense, not including parking violations, which cost shall not be waived or suspended. The money collected would have been remitted to the indigent defender fund for the judicial district in which the court is located.

LAW ENFORCEMENT

HB 15 by Martiny (*Last Action – Act No. 79*)

Provides that a duly commissioned deputy with the Violent Crimes and Narcotics Strike Force shall have additional law enforcement authority and jurisdiction within the jurisdiction of a sheriff who is requesting additional assistance.

Also provides that a duly commissioned deputy with the Emergency Task Force shall have additional law enforcement authority and jurisdiction within the jurisdiction of a sheriff when on duty during a declared emergency or when acting at the request of the sheriff of the other jurisdiction.

2000 REGULAR SESSION

JUDGES

HCR 3 by Toomy (*Last Action – House Committee*)

SCR 34 by C. D. Jones (*Last Action – Senate Committee*)

These two identical resolutions would have increased the actual salary of the supreme court, court of appeal, and district court judges by five percent each year on July 1, 2000, July 1, 2001, and July 1, 2002 and increased the state-paid salary of city court and parish court judges by five percent on each of the same dates.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

2000 FIRST EXTRAORDINARY SESSION

SB 52 by Dardenne (*Last Action - Act No. 55*)

Creates the position of Louisiana State Poet Laureate within the office of the governor. Provides that the Louisiana Endowment for the Humanities shall appoint a selection committee to nominate three poets. Provides that the poet laureate shall be appointed by the governor to serve a single two-year term. Repeals prior provision for the governor to appoint a state poet laureate to serve during his term of office.

HB 207 by Faucheux (*Last Action - Act No. 104*)

Creates the River Parishes Convention, Tourist, and Visitors District to attract conventions, tourists, and visitors to St. Charles, St. John the Baptist, and St. James parishes. Authorizes the commission to levy a 2% hotel occupancy tax and issue bonds secured by the tax.

2000 REGULAR SESSION

HB 238 by Michael Jackson (*Last Action - Sent to Governor*)

HB 240 by Futrell (*Last Action - Conference Committee*)

Both bills create business inducement zones in East Baton Rouge Parish and authorize the State Board of Commerce and Industry to grant certain tax incentives to businesses located or locating in the zone. House Bill No. 240 would have authorized rebates of state and local sales taxes for construction materials and supplies and a twenty-five hundred dollar tax credit for each new employees. House Bill No. 238 authorizes rebates of local sales taxes to qualifying high tech businesses.

NATURAL RESOURCES

2000 FIRST EXTRAORDINARY SESSION

HB 150 by Daniel (*Last Action – House Floor*)

The bill would have increased the fees charged for numerous hunting and fishing licenses.

HB 232 by Odinet (*Last Action - Act No. 107*)

Relative to oyster leases, requires that all leases, renewals, or extensions granted to any entity by the state or its political subdivisions shall include language holding the state and its political subdivisions harmless for any damages which may arise from coastal restoration projects.

Also, for oyster leases located in coastal restoration impact areas or those leases in areas which will be part of an impact area, the new law provides an opportunity for those leases to have a term less than the previously required 15 years. Leases actually in a current impact area may be continued on a year-to-year basis. Leases located in an area which may potentially be in an impact area in the future may be continued for a period of time less than 15 years.

The impact of the legislation is to keep productive oyster areas in production as long as possible in the face of impact from coastal restoration projects.

2000 REGULAR SESSION

HR 11 by Pierre (*Last Action – Enrolled*)

Approved the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2000-2001, as adopted by the Wetlands Conservation and Restoration Authority.

RETIREMENT

2000 FIRST EXTRAORDINARY SESSION

REEMPLOYMENT OF RETIRED TEACHERS

HB 27 by Daniel (*Last Action - Act No. 114*)

Relative to the Teachers' Retirement System (TRS), eliminates certain restrictions and penalties regarding certain reemployed retirees.

Applicability to All Teachers

Provides for the suspension of retirement benefits of any TRS member who retires and then returns to active service within 12 months. The suspension of benefits continues for the duration of such service or the lapse of 12 months from retirement, whichever occurs first. Benefits resume after the 12-month period (or upon leaving active service), in the same amount as was payable when the member returned to active service, but including any cost-of-living increase granted to retirees during the period that the member's benefits were suspended.

Requires any reemployed retiree, and the retiree's employer, to make contributions during reemployment, but the retiree does not accrue any additional service credit or benefits. Upon termination of reemployment, the retiree is refunded the contributions that he paid during reemployment, without interest, but TRS retains the employer contributions.

Requires the employer to notify TRS within a specified period following reemployment. Provides regarding employer liability for erroneous payment of benefits resulting from failure of the employer to provide such notice. Provides authority for the state treasurer to withhold employer agency's funds in certain events of liability to TRS.

Provides that if a reemployed retiree dies during reemployment, then benefits are paid to his beneficiary according to the option selected at the time of his original retirement. The provisions of law applicable to survivor benefits and disability benefits are not applicable to service rendered during the period of reemployment, with certain exceptions relative to minor children.

Applicability to EBR Parish School System

Provides that any person with a doctorate degree who was employed by BESE for at least five years and who is or was employed by the EBR Parish School System for at least 10 years and who was employed by that system at any time during 1999 as supervisor of social studies teachers shall not have his retirement benefits reduced or suspended during such employment. Further provides regarding benefits and certain reductions to benefits for any such employee.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

2000 FIRST EXTRAORDINARY SESSION

SPECIAL PERMITS; PENALTIES FOR OVERWEIGHT VEHICLES

HB 91 by Diez (*Last Action - Act 121*)

Authorizes the secretary of DOTD to issue annual special permits for transporters of heavy equipment. Further authorizes the promulgation of rules and regulations to set the fee for these permits, which shall not exceed \$2,500, and size and width restrictions.

Modifies the penalties for owners or operators of vehicles which violate weight restrictions. Violators will be required to reduce their load to the maximum permissible gross weight and shall be assessed a penalty on weight which exceeds the maximum permissible gross weight or maximum allowable axle weights, whichever results in the higher fine according to the schedule of penalties. Special provisions were enacted for trucks hauling concrete or construction aggregates, hot mix asphalt, and trucks fitted with a compactor body engaged in the collecting and hauling of solid waste.

OFFICE OF MOTOR VEHICLES

HB 162 by Diez (*Last Action - Act 1*)

Provides for a fee increase from \$5.50 to \$8 for handling charges collected by the Office of Motor Vehicles for transactions such as applications, renewals or duplication of Class "D" and "E" driver's licenses and identification cards, and various transactions involving vehicle titling and registration. The \$2.50 fee increase for these transactions will be forwarded to the Office of Motor Vehicles Customer Service and Technology Fund.

The Motor Vehicles Customer Service and Technology Fund was created in this same legislation. After compliance with the requirements relative to the Bond Security and Redemption Fund, the monies in the Motor Vehicles Customer Service and Technology Fund are to be used solely for the expenses of the office of motor vehicles for the initiation and implementation of customer service programs and the acquisition and implementation of updated and new technology. Any remaining funds are to be utilized for criminal compliance and traffic enforcement by public safety services.

HB 215 by Hopkins (*Last Action - Act 6*)

Authorizes the renewal of Class "E" or "D" driver's licenses by mail or electronic commerce if the license has been expired for a period of six months or less and the applicant is otherwise

eligible to renew the license by mail or electronic commerce. Requires an applicant for renewal of an expired Class "E" or "D" license by mail or electronic commerce to pay a special late fee of \$10. The \$10 special late fee shall be deposited in the Office of Motor Vehicles Customer Service and Technology Fund.

Prohibits renewal of Class "E" or "D" operator's licenses by applicants 70 years of age or older, if the license was renewed by mail or electronic commerce at the last occurrence of its expiration, or if the previously issued license is expired for more than six months.

REPEAT INTOXICATED DRIVERS

HB 131 by Dupre (*Last Action - Act 91*)

Requires the department to suspend the driver's license of a licensee for a first offense conviction of operating a motor vehicle while under the influence of alcoholic beverages for a period of 90 days, and provides for a driver's license suspension of 12 months for a second offense conviction. However, any licensee who has had his license suspended for a first or second offense conviction of operating a motor vehicle while under the influence of alcoholic beverages shall be issued a restricted driver's license after proving to the department that his motor vehicle is equipped with a functioning ignition interlock device.

For third or subsequent convictions of operating a motor vehicle while under the influence of alcoholic beverages, the department is required to suspend a driver's license for a period of 24 months; however, the licensee is eligible to apply for a restricted driver's license after a period of 12 months upon proof that his motor vehicle is equipped with a functioning ignition interlock device. Further requires the ignition interlock device to remain on the motor vehicle for not less than six months from the date the restricted driver's license is granted.

OPEN CONTAINER LAW

HB 166 by Dupre (*Last Action - Act 97*)

Prohibits the operator of a motor vehicle, when the motor vehicle is on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle. Passenger area is defined as the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. Passenger area does not mean a locked glove compartment or behind the last upright seat, or any area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Transportation

The penalty for violations of the open container law include a fine which shall not exceed \$50. Court costs are prohibited from being assessed. Violators are prohibited from being taken into custody by an arresting officer; however, a violator is required to deposit his driver's license with the arresting officer or give his written promise to appear.

The law further states that it does not preempt the authority of a municipal or parish governing authority.

WAYS AND MEANS

2000 FIRST EXTRAORDINARY SESSION

SALES AND USE TAX

HB 36 by Hammett, DeWitt, et al (*Last Action – Act No. 18*)

Makes inapplicable, inoperable, and of no effect certain exemptions (primarily food for home consumption and utilities) from the state sales and use tax for FY 2000-2002. All exemptions except the following are inapplicable, inoperable, and of no effect as to the state sales and use tax for those fiscal years:

- Direct sales of farm products by producer.
- Use tax for farm products consumed by producer.
- Certain farm equipment.
- Fertilizer and farm products containers sold by farmers.
- Prescription drugs and other medical and patient aids.
- Ships and ships' supplies.
- Seeds used in planting of crops.
- Pesticides used for agricultural purposes.
- Sales by blind persons.
- Sales by nonprofit organizations.
- Purchases by commercial fishermen.
- Diesel fuel or LPG used for farm purposes.
- Purchases made with food stamps and under the W.I.C. program.
- Exemptions under the Enterprise Zone Law.
- Purchases in domed stadiums owned by the state and in certain other publicly owned facilities.
- Purchases for first use offshore.
- Rail rolling stock.

2000 REGULAR SESSION

CAPITAL OUTLAY

HB 2 by Hammett (*Last Action – Sent to Governor*)

Provides for the capital outlay budget and program for FY 2000-2001, provides for the funding of certain capital outlay projects from the specified sources of monies in the specified amounts as follows:

Ways and Means

(1) Federal Funds	\$ 17,818,530
(2) Federal Funds - TTF	\$ 406,000,000
(3) Transportation Trust Fund (TTF)	\$ 132,018,000
(4) TIMED Funds	\$ 70,330,438
(5) Capitol Complex Master Plan Fund	\$ 31,333,333
(6) Land-Based Casino Revenues	\$ 31,321,149
(7) Other Statutory Dedications	\$ 11,743,495
(8) Fees and Other Self-Generated Revenues	\$ 26,272,294
(9) Reappropriated Cash	\$ 4,772,810
(10) Revenue Bonds	\$ 272,847,015
(11) Interagency Transfers	<u>\$ 8,000,000</u>
 TOTAL CASH PORTION	 <u><u>\$ 1,012,457,064</u></u>

Authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for projects delineated as follows:

Priority 1	\$ 650,265,000
Priority 2	\$ 241,753,810
Priority 3	\$ 98,465,000
Priority 4	\$ 189,386,350
Priority 5	<u>\$ 652,507,306</u>

TOTAL GENERAL OBLIGATION BONDS	<u><u>\$ 1,832,377,466</u></u>
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BONDS NRP/RBP	\$ 9,595,959
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GRAND TOTAL ALL MEANS OF FINANCING	<u><u>\$ 2,854,430,489</u></u>
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BONDS NRP is the reallocation of previously sold bonds.

BONDS RBP is the appropriation of funding made available from prepayments of reimbursement bond contracts.

AD VALOREM TAXATION

HB 31 by Holden (*Last Action – House Calendar*)

Constitutional amendment would have provided that any manufacturing establishment receiving an exemption from ad valorem taxes for such taxes levied by a school board shall by terms of the contract granting such exemption be required to make a payment in lieu of such taxes.

CORPORATION FRANCHISE TAX

HB 285 by McMains *(Last Action – Failed to Pass/House)*

Would have required certain limited liability companies to pay the corporation franchise tax.

CORPORATE INCOME TAX

HB 258 by Holden *(Last Action – House Calendar)*

Would have provided for "waters edge" combined reporting of income of corporations subject to the corporation income tax. Further provided for the allocation and apportionment of corporate income.

EXCISE TAX

HB 95 by Faucheux *(Last Action – Enrolled)*

Constitutional amendment to increase the gasoline, motor fuels, and special fuels taxes by one-fourth of one cent per gallon and dedicate the proceeds to help fund the operations of the Dept. of Wildlife and Fisheries.

HB 117 by DeWitt *(Last Action – Sent to Governor)*

Increases the tax on cigarettes by 4 cents a pack and levies a tax on smokeless tobacco of 20% of the invoice price.

HB 193 by DeWitt *(Last Action – Sent to Governor)*

Extends the 2.5% state excise tax and .5% local excise tax on certain automobile rental contracts until June 30, 2002.

GAMING

HB 221 by Johns *(Last Action – Conference Committee)*

Would have levied a riverboat privilege tax of 3% of net gaming proceeds beginning July 1, 2000. For Fiscal Year 2000-2001, provided for a 2% tax rate for any licensee for a month in which net gaming proceeds are less than \$8 million.

Provided for an election on October 7, 2000 to authorize dockside gaming in any parish which does not presently have dockside gaming.

Ways and Means

Provided that any parish which did not approve dockside gaming the tax would not be collected after October 7, 2000 and licensees were entitled to a credit for the additional taxes paid.

Provided that no provision of this tax on dockside gaming authorization would cause any violation or breach of the land-based casino operating contract.

Provided for exemption from 50% of this tax for certified total nongaming capital investment of \$170 million for riverboats on the Red River and \$150 million for other riverboats.

HB 250 by Montgomery *(Last Action – Sent to Governor)*

Authorizes certain local governing authorities in Bossier Parish to levy a tax on weekly taxable net slot machine proceeds of a licensed eligible horse racing facility.

HB 263 by Johns *(Last Action – Sent to Governor)*

Authorizes the governing authority of Calcasieu Parish to levy a tax on weekly taxable net slot machine proceeds of a licensed eligible horse racing facility.

INDIVIDUAL INCOME TAX

HB 73 by Daniel *(Last Action – Enrolled)*

Constitutional Amendment to remove current limitation on individual income tax rates and provide for a new limitation on individual income tax rates and brackets based on rates as of January 1, 2001. Removes the constitutional requirement that federal income taxes be authorized as a deduction from state income taxes.

HB 180 by Bowler *(Last Action – Sent to Governor)*

Provides for an exemption from the state income tax for the first \$30,000 of income earned by full-time military personnel for services performed outside of the state, effective for all taxable years beginning after December 31, 2002 and ending before January 1, 2005. Also provides for an individual income tax exemption for \$6,000 of certain annual disability income.

Requires composite personal income tax returns and composite income tax payments by certain non-corporate entities.

HB 295 by Stelly *(Last Action – Sent to Governor)*

Revises the individual state income tax rate and bracket structure as follows:

<u>Rates</u>	<u>2% of adjusted gross income</u>	<u>3% of adjusted gross income</u>	<u>4% of adjusted gross income</u>	<u>5% of adjusted gross income</u>
Single	Up to \$2,500	\$2,500 to \$5,000	\$5,000 to \$25,000	over \$25,000
Joint	Up to \$5,000	\$5,000 to \$10,000	\$10,000 to \$50,000	over \$50,000

Disallows the various credits and deductions of the current income tax, except for the following deductions and exemptions:

- (1) Retains the current personal exemptions of \$4,500 for single filers and \$9,000 for married persons filing jointly.
- (2) Retains the current deduction of \$1,000 for each dependent.
- (3) Retains the \$6,000 exemption for retirement income for persons age 65 or older.
- (4) Retains the exemption for social security income and state and federal public employees retirement income.

Creates the Education Enhancement Fund and dedicates a portion of the proceeds of the income tax to the fund for pay increases for classroom teachers, faculty of postsecondary institutions and education support personnel and for public education instruction and research needs. Repeals certain suspensions of exemptions from the state sales and use tax.

HB 299 by Hammett *(Last Action – Sent to Governor)*

Reduces an individual's deduction for excess federal itemized deductions by 50% for two years and suspends the \$25 per child education tax credit for two years.

SB 81 by Thomas *(Last Action – Sent to Governor)*

Increases the income requirements of persons who may receive START tuition savings program grants, makes deposits to the START program exempt from state income tax beginning January 1, 2000, and allows direct deposit of state income tax refunds into such accounts.

Ways and Means

SB 85 by Michot *(Last Action – Sent to Governor)*

Extends period for filing applications for job incentive tax credit and adds requirements for applicants on and after June 1, 2000, and for contracts renewed for an additional 5 years on and after July 1, 2000. Further provides for the addition of the motor vehicle parts manufacturing industry to the list of industries which are eligible for a \$5,000 tax credit for new jobs created under the Enterprise Zone Incentive Program, which originated as HB 214 by Rep. Glover.

Suspends provisions of Title 49 requiring repayment of interfund borrowing by August 15 of following fiscal year.

SALES AND USE TAX

HB 22 by Montgomery *(Last Action – Sent to Governor)*

Extends the time period for the exemption of certain buses, trucks and trailers used in interstate commerce.

HB 44 by Daniel *(Last Action – Sent to Governor)*

Defines tangible personal property to exclude certain transactions relating to manufactured or mobile homes.

HB 98 by Thompson *(Last Action – Enrolled)*

Constitutional amendment which provides for the exemption of food for home consumption, natural gas, electricity, and water from sales and use tax effective July 1, 2002.

HB 138 by Alario *(Last Action – Senate Committee)*

Phases in exclusion from local sales and use tax of tangible personal property which is purchased, leased or rented which is in turn, leased or rented.

HB 140 by Alario *(Last Action – Sent to Governor)*

Suspends certain exemptions from the 4th cent of state sales and use tax, mostly on food and utilities. Also provides that the exclusion from sales and use taxes for sales and purchases made by approved nonpublic schools is effective for the period July 1, 2001 through June 30, 2003. Adds exclusion effective July 1, 2000 for pharmaceuticals administered to certain livestock.

HB 224 by Montgomery *(Last Action – Sent to Governor)*

Provides for the taxation of interstate telecommunication services and provides for a credit against the individual income tax, corporate income tax, or corporate franchise tax for a portion of property taxes paid.

SB 8 by Schedler *(Last Action – Sent to Governor)*

Makes the current sales tax exclusion for donations to food banks retroactive.

SB 13 by Johnson *(Last Action – Failed to Pass/House)*

Constitutional amendment to require a two-thirds vote to enact exemptions or exclusions from local sales and use taxes.

SEVERANCE TAX

HB 178 by Pierre *(Last Action – Senate Committee)*

Extends the period of the exemption for severance taxes on inactive and new discovery wells.

TAX CREDITS

HB 277 by Karen Carter *(Last Action – House Calendar)*

Reduces the amount of the inventory tax credit by 50% for certain taxpayers for two years.

MISCELLANEOUS

HB 235 by DeWitt *(Last Action – House Calendar)*

Enacts the Louisiana Business Activity Tax (Single-Business Tax).

HB 330 by DeWitt *(Last Action – Failed to Pass/House)*

Extends and makes certain changes to the Louisiana capital companies tax credit program (CAPCO).

SB 74 by McPherson *(Last Action – Sent to Governor)*

Authorizes the issuance of 30-year bonds for the TIMED program and extends from 2005 to 2010 the period of time in which TIMED bonds may be issued.